



13 SEP 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Brian P. Barrett
Eli Lilly And Company
Lilly Corporate Ct
Bldg 74/10 Drop Code 1104
Indianapolis, IN 46285-0002

In re Application of
HUANG et al.
Serial No.: 09/763,153
PCT No.: PCT/US99/11969
Int. Filing Date: 01 June 1999
Priority Date: 01 June 1998
Attorney's Docket No.: X-12279
For: HUMAN PROTEIN C POLYPEPTIDE

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 30 August 2002 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of \$690 has been paid. The required petition fee of \$1240 has also been paid. The application went abandoned for failure to timely respond to the 21 June 2002 Notification of Defective Response. With their petition to revive, applicants responded to the Notification of Defective Response with the filing of the nucleotide and/or amino acid sequence listing. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

It is noted that in a decision mailed on 17 April 2001, the 35 U.S.C. 371 date was incorrectly stated as 08 January 2001. A review of the application indicates that the declaration was filed on 20 February 2001 thus, fulfilling the requirements of 35 U.S.C. 371. The 35 U.S.C. 371 date is 20 February 2001.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467